

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5173

September Term, 2024

1:23-cv-01334-CRC

Filed On: February 3, 2025

Pauline Newman, Honorable; Circuit Judge,

Appellant

v.

Kimberly A. Moore, Honorable; in her official capacities as Chief Judge of the United States Court of Appeals for the Federal Circuit, Chair of the Judicial Council of the Federal Circuit and Chair of the Special Committee of the Judicial Council of the Federal Circuit, et al.,

Appellees

BEFORE: Millett, Wilkins, and Rao, Circuit Judges

ORDER

Upon consideration of the motion to unseal, the sealed response in opposition thereto, the sealed appendix to that opposition, and the corrected reply, it is

ORDERED that the motion to unseal be denied. The Judicial Conduct and Disability Act establishes a general rule under which “all papers, documents, and records of proceedings related to investigations conducted under [it] shall be confidential and shall not be disclosed by any person in any proceeding.” 28 U.S.C. § 360(a). Although the statute recognizes an exception if both the subject judge and the chief judge of the relevant circuit provide written consent to disclosure, the Chief Judge of the U.S. Court of Appeals for the Federal Circuit has not granted the requisite consent. See id. § 360(a)(3) (permitting disclosure upon the written consent of both the subject judge and either “the chief judge of the circuit, the Chief Justice, or the chairman of the standing committee established under section 331”). To the extent that

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appellant challenges the denial of such consent, she has not shown that this court has jurisdiction to consider that challenge as part of this appeal. See id. §§ 352(c), 357(c), 1331.

Per Curiam